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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,023

09/29/2003

David W. Pedlar

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RESEARCH IN MOTION, LTD
102 DECKER CT.
SUITE 180
IRVING, TX 75062

EXAMINER

CASCA, FRED A

ART UNIT

PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/674,023

Applicant(s)

PEDLAR ET AL.

Examiner

Fred A. Casca

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/29/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, and 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longoni et al (US 2001/0018345 A1), in view of Hall et al (US Patent No. 6,438,383 B1).

Referring to claims 1 and 6, Longoni discloses a method and a user equipment for performing a cell update during a reconfiguration procedure in a user equipment in a communications system (abstract, "performing a cell update procedure"), the method comprising the steps of:

receiving a reconfiguration command (paragraph 4, "MS routing information message", "Cell Update Request Message"), and detecting a trigger event which indicates that a cell update is required (paragraph 3, "In a 'cell update' mode . . . MS in RACH/FACH . . . mode enters a new cell"; note that the movement of the MS from one cell coverage area to another triggers a cell update event).

Longoni does not specifically disclose **reconfiguration command includes an activation time at which a reconfiguration is to be applied and delaying initiation of the cell update until the reconfiguration has been applied.**

Hall discloses reconfiguration command includes an activation time at which a reconfiguration is to be applied and delaying initiation of the cell update until the reconfiguration has been applied (col. 4, lines 6-20, col. 9, lines 40-51, and col. 11, line 48 – col. 12 line 20, “cell update flag which is set when a cell is updated and which is cleared when a time period has elapsed, which time period may be predetermined, fixed or reconfigurable”).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method and user equipment of Longoni by incorporating the teachings of Hall, and consequently providing a reconfiguration command that includes an activation time and delaying initiation of the cell update until the reconfiguration has been applied, for the purpose of avoiding the possibility of connection rejection and providing an efficient cell-selection system.

Referring to claims 3 and 8, claims 3 and 8 define a method of handling a cell update and a user equipment for handling a cell update reciting features analogous to the features of claims 1 and 6 (as rejected above). Thus, the combinations of Longoni/Hall discloses all elements of claims 3 and 8 (please see the rejection of claim 1 above).

Referring to claims 4 and 9, the combinations of Longoni/Hall disclose methods according to claims 1 and 3, and further disclose user equipment configured to communicate

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with a UTRAN in a UMTS communications system, comprising suppressing the cell update depending on the relevance of the trigger event to the UTRAN after reconfiguration (Longoni, paragraph 3, and Hall, col. 4, lines 6-20, col. 9, lines 40-51, and col. 11, line 48 – col. 12 line 20, note that suppressing the cell update is the delaying process which delays the initiation of the cell update until the reconfiguration has applied, as rejected in claim 1 above (please rejection of claim 1).

Referring to claim 7, the combinations of Longoni/Hall disclose a user equipment according to claim 6, and further disclose a timer arranged to cooperate with the controller for delaying initiation of the cell update (Hall, figure 8, col. 4, lines 6-20, col. 9, lines 40-51, and col. 11, line 48 – col. 12 line 20, note that a time stamp use to set flags for cell update, thus the time stamp (timer) inherently cooperates with the controller for delaying initiation (see rejection claim 1).

3. Claims 2, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longoni et al (US 2001/0018345 A1), in view of Hall et al (US Patent No. 6,438,383 B1) and further in view of well known prior art (MPEP 2144.03).

Referring to claim 2, the combinations of Longoni/Hall disclose a method according to claim 1, and further disclose the activation time has the value 'Now', the method including applying the reconfiguration as soon as the user equipment is able to do so.

The combinations of Longoni/Hall do not specifically disclose activation time has the value 'Now', applying the reconfiguration as soon as the user equipment is able to do so.

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The examiner takes official notice of the fact that activating a cellular equipment as soon as possible after a cell-updating is well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Longoni/Hall by incorporating the teachings of prior art for the purpose of providing a better service to cell phone users.

Referring to claims 5 and 10, the combinations of Longoni/Hall disclose a method according to claims 4 and 9.

The combinations of Longoni/Hall do not specifically disclose suppressing the cell update when the trigger event comprises a radio link failure.

The examiner takes official notice of the fact that suppressing or disabling a cell update during movement of a cellular phone from a current cell to an adjacent cell is well-known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the methods of claims 4 and 9 by incorporating the teachings of prior art for the purpose of preventing packet loss during the link failure.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600